

**MEMO ENDORSED**

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August 6, 2024

**VIA ECF:**

Honorable Gary Stein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Bassey B. Ndemenoh v. Vincent Boudreau, et al.*  
Docket No. 20-cv-4492 (GS)

Your Honorable Judge Stein,

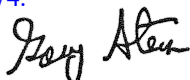
Plaintiff, by the undersigned counsel, submits this letter in response to the requests for discovery conference by defendants Baidya, Laperuta and Rhinehart (ECF Doc. 173, 174 and 175) and also to respectfully request a short extension of time to interpose responses to defendants' outstanding discovery requests, until Friday, **August 9, 2024**.

I apologize to counsel and the Court for failing to timely adhere to plaintiff's discovery obligations, as I was unfortunately out of the office for much of the past month due to a ruptured Achilles tendon that required surgical intervention, as well as extensive physical therapy and rehabilitation, which remains ongoing. My condition, however, has improved enough to permit me to resume working full-time. As such, should the Court grant the relief requested herein, plaintiff will respond all outstanding requests from defendants no later than Friday, August 9, 2024, if not sooner.

Wherefore, plaintiff requests a short extension of time to respond to defendants' outstanding requests, until **August 9, 2024**, together with such other or further relief, as the Court may deem just and proper.

Thank you for your consideration herein.

Having considered the parties' submissions (Dkt. Nos. 173 & 174), the Court grants this limited extension of time due to Plaintiff's counsel's health situation. However, counsel's surgery and recovery therefrom did not, and does not, obviate his ongoing obligation to be responsive to defense counsel when they have repeatedly attempted to contact him regarding the exchange of discovery. As such, Mr. DePaola is warned that further lapses in communication and failures to meet his discovery obligations could result in the imposition of sanctions, up to and including dismissal of this action for failure to prosecute. *See* Fed. R. Civ. P. 37, 41(b). In the event that another situation arises that could hinder Mr. DePaola's ability to prosecute this case, he must promptly inform defense counsel and the Court. The Clerk of Court is directed to close Docket Numbers 173 and 174.  
SO ORDERED.



Gary Stein  
United States Magistrate Judge  
Southern District of New York

Respectfully submitted,

/s/ Samuel C. DePaola  
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